

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

IN RE: **Ralph P. Netta**

Case No.: _____

Judge: _____

Debtor(s) Chapter: 13

CHAPTER 13 PLAN AND MOTIONS

☒ Original

☐ Modified/Notice Required

☒ Discharge Sought

☒ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: _____

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay 697.00 Monthly to the Chapter 13 Trustee, starting on ____ for approximately 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒ Future Earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
-NONE-		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
-NONE-					

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor
-NONE-

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
Westgatesquare II Condominium Associatio	147 Linda Lane Edison, NJ 08820 Middlesex County	37,637.90

Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

_____ Not less than \$ _____ to be distributed *pro rata*

_____ Not less than _____ percent

 x *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Century 21 Main Street Realty, Inc.	147 Linda Lane Edison, NJ 08820 Middlesex County	Second Mortgage	56,162.61	330,000.00	17,224.00	338,967.84	29,032.16
Century 21 Main Street Realty, Inc.	147 Linda Lane Edison, NJ 08820 Middlesex County	Third Mortgage	38,000.00	330,000.00	17,224.00	357,130.45	0.00

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
<p>c. Order of Distribution</p> <p>The Trustee shall pay allowed claims in the following order:</p> <ol style="list-style-type: none"> 1) <u>Trustee Commissions</u> 2) <u>Other Administrative Claims</u> 3) <u>Secured Claims</u> 4) <u>Lease Arrearages</u> 5) <u>Priority Claims</u> 6) <u>General Unsecured Claims</u> <p>d. Post-petition claims</p> <p>The Trustee <input type="checkbox"/> is, <input checked="" type="checkbox"/> is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.</p>			
Part 9 : Modification			
<p>If this plan modifies a plan previously filed in this case, complete the information below.</p> <p>Date of Plan being modified: _____.</p>			
Explain below why the Plan is being modified.		Explain below how the Plan is being modified	
<p>Are Schedules I and J being filed simultaneously with this modified Plan? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
Part 10: Sign Here			
<p>The debtor(s) and the attorney for the debtor (if any) must sign this Plan.</p> <p style="margin-left: 40px;"> Date <u>August 1, 2016</u> <u>/s/ Dennis M. Mahoney</u> Dennis M. Mahoney 0016491776 Attorney for the Debtor </p> <p>I certify under penalty of perjury that the foregoing is true and correct.</p> <p style="margin-left: 40px;"> Date: <u>August 1, 2016</u> <u>/s/ Ralph P. Netta</u> Ralph P. Netta Debtor </p> <p style="margin-left: 40px;"> Date: _____ _____ Joint Debtor </p>			

Certificate of Notice Page 6 of 7
 United States Bankruptcy Court
 District of New Jersey

In re:
 Ralph P. Netta
 Debtor

Case No. 16-24790-KCF
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 28

Date Rcvd: Aug 02, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 04, 2016.

db
 516319168 +Ralph P. Netta, 147 Linda Lane, Edison, NJ 08820-4509
 516319169 Angela Shih Liao, 61-30 Auton Street, Rego Park, NY 11374
 +Arthur M. Greenwald, C/O Michael S. Harrison, Esq., 3155 Route 10 East, Suite 214,
 Denville, NJ 07834-3430
 516319170 +Bob Hering, c/o Bob Smith & Associates, 216 Stelton Road, Suite B-1,
 Piscataway, NJ 08854-3284
 516319171 +Century 21 Main Street Realty, Inc., 239 Main Street, Woodbridge, NJ 07095-1917
 516319172 +Century 21 Main Street Realty, Inc., 239 Main Street, Woodbridge, NJ 07095-1917
 516319173 +Colonia Home Center, 73 Ashford Drive, Plainsboro, NJ 08536-3640
 516319174 +Dr. Joseph Muscatiello, C/o Mongeello, Marshall & Scialabba, LLC, 1550 Park Avenue,
 South Plainfield, NJ 07080-5565
 516319175 +Dr. Linda Neri, 225 May Street, Suite B, Edison, NJ 08837-3266
 516319176 +Filson Corporation, c/o NCAM Business Credit Services, PO BOX 21966,
 910 SW Spokane St., Buildig A, Seattle, WA 98134-1125
 516319177 +Geomatrix Enterprises DBA Bomer Gear, c/o Vogel & Gast, 10 Johnson Drive,
 Plainfield, NJ 07069-4905
 516319178 +Honda Financial Services, c/o MRS Associates, 1930 Olney Avenue,
 Cherry Hill, NJ 08003-2016
 516319179 +Kishore Ramchandani, MD, c/o Michael Harrison, Esq., 3155 Route 10 East, Suite 214,
 Denville, NJ 07834-3430
 516319180 +Lab Saffey Supply, Inc., c/o Goldman & Warshaw, PC, 34 Maple Avenue, PO BOX 106,
 Pine Brook, NJ 07058-0106
 516319181 +Liberty Mountain, c/o Barr Credit Services, Inc., 5151 E Broadway, Blvd., Suite 800,
 Tucson, AZ 85711-3775
 516319182 +Maggie Netta, 147 Linda Lane, Edison, NJ 08820-4509
 516319183 +Mammut Sports Group, Inc., C/O Fein, Such, Kahn & Shepar, 7 Century Drive,
 Parsippany, NJ 07054-4603
 516319184 +Nayna Patel, 1381 US 1 South, Edison, NJ 08837-2520
 516319185 +Nordstrom Bank, C/O Sentry Credit, Inc., 2809 Grand Avenue, Everett, WA 98201-3417
 516319186 +Ops 9, LLC, C/O David Faloni, Jr. Esq., 165 Passaic Avenue, Suite 301B,
 Fairfield, NJ 07004-3592
 516319187 Ping Wang, c/o Indink & McNamara, PC, Princeton Park Corporate Center, Suite 203,
 Monmouth Junction, NJ 08852
 516319188 +Select Portfolio, Attn Bankruptcy Dept, PO BOX 65250, Salt Lake City, UT 84165-0250
 516319190 +Surgical Practices Associates, C/O Pressler & Pressler.LLP, 7 Entin Road,
 Parsippany, NJ 07054-5020
 516319191 +Westgatesquare II Condominium Associatio, C/O Judith A. Fallat, Esq., 92 Broadway,
 Suite 201, Denville, NJ 07834-2733

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Aug 03 2016 00:26:44 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Aug 03 2016 00:26:42 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516319166 +E-mail/Text: dkretschmer@bchaselaw.com Aug 03 2016 00:26:34
 ACB Receivables Management, Inc., c/o Bart A. Chase, Esq., PO BOX 871,
 Summit, NJ 07902-0871
 516319185 +E-mail/Text: compliance@sentrycredit.com Aug 03 2016 00:27:40 Nordstrom Bank,
 C/O Sentry Credit, Inc., 2809 Grand Avenue, Everett, WA 98201-3417
 516319189 +E-mail/Text: clientservices@simonsagency.com Aug 03 2016 00:27:34 Summit Medical Group, Pa,
 c/o Simon's Agency, Inc., 4963 Wintersweet Drive, Liverpool, NY 13088-2176
 TOTAL: 5

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516319167 ##+Air-Opedic Shoe Shop, Inc d/b/a Scotts, 109 Quimby St., Westfield, NJ 07090-2170
 TOTALS: 0, * 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 28

Date Rcvd: Aug 02, 2016

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 04, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 1, 2016 at the address(es) listed below:

Dennis M. Mahoney on behalf of Debtor Ralph P. Netta dmmahoneypa@aol.com

TOTAL: 1